

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

ALISHA W. WILKES,

Plaintiff,

v.

GMAC MORTGAGE, LLC, et al.,

Defendants.

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Civil No. 1:10-cv-01160 (CMH-TRJ)

**DEFENDANT GMAC MORTGAGE LLC'S MOTION TO QUASH SUBPOENAS TO
TESTIFY AT A DEPOSITION, TO QUASH NOTICES OF RULE 30(B)(1)
DEPOSITIONS, AND FOR A PROTECTIVE ORDER**

Defendant GMAC Mortgage LLC ("GMACM" or "Defendant"), by counsel, pursuant to Rules 26, 30, 37, and 45 of the Federal Rules of Civil Procedure and Local Civil Rules 30 and 37, hereby submits its Motion to Quash Notices of Rule 30(b)(1) Depositions, to Quash Subpoenas to Testify at Depositions, and for a Protective Order.

This Court's Order dated February 2, 2011 (Docket No. 32) states that "[a] party may not exceed five (5) non-party, non-expert witness depositions ... without leave of court." Plaintiff has not sought leave of Court to take more than five (5) non-party depositions. Plaintiff has already taken the depositions of 6 non-parties, including two of Defendant's employees. Plaintiff has additionally noticed the depositions of three more employees of Defendant: Nancy Durey, Joseph Yarnall and Amy Fleitas. In a show of good faith, Defendant is willing to produce Ms. Fleitas for a Rule 30(b)(1) deposition, but nonetheless believes that Plaintiff must obtain leave of this Court before taking said deposition. For the reasons set forth in Defendant's accompanying Memorandum in Support filed simultaneously, Defendant seeks an order from this Court quashing the Rule 30(b)(1) deposition notices served by Plaintiff upon Ms. Durey and

Mr. Yarnall, quashing the subpoenas to testify at a deposition served by Plaintiff upon Ms. Durey and Mr. Yarnall, and protecting them from being deposed in this case.

Defendant certifies in compliance with Local Civil Rule 7(E) and 37(E) that it has attempted in good faith to resolve the discovery matter at issue and conferred with Plaintiff to resolve this Motion without the necessity of Court involvement.

WHEREFORE, Defendant GMAC Mortgage, LLC, by counsel, respectfully requests that the Court enter an Order: (1) granting its Motion; (2) quashing the Deposition Notices and Witness Subpoenas served upon Mr. Yarnall and Ms. Durey; (3) entering a Protective Order and relieving Ms. Durey and Mr. Yarnall from having to attend a deposition on June 7, 2011; (4) awarding Defendant its reasonable attorneys' fees and costs incurred with this Motion; and (5) granting it such further relief as the Court deems appropriate.

A proposed Order granting the relief sought is attached hereto as **Exhibit 1**.

Dated: May 27, 2011

Respectfully Submitted,

GMAC MORTGAGE LLC

By: /s/ John C. Lynch
Of Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of May, 2011, I electronically filed the foregoing Motion with the Clerk of the Court using the CM/ECF system that will send a true and correct copy of the foregoing to the following counsel of record:

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